

1 **JOSEPH J. WISEMAN, ESQ., CSBN 107403**  
2 **WISEMAN LAW GROUP**  
3 **1477 Drew Avenue, Suite 106**  
4 **Davis, California 95616**  
5 **Telephone: 530.759.0700**  
6 **Facsimile: 530.759.0800**

7 **Attorney for Defendant**  
8 **MICHAEL ALVARO**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

UNITED STATES OF AMERICA,	)	Case No. CR S 04-491 FCD
	)	
Plaintiff,	)	
	)	STIPULATION AND ORDER
vs.	)	CONTINUING HEARING ON CHANGE OF
	)	PLEA
MICHAEL ALVARO,	)	
	)	
Defendants.	)	

It is hereby stipulated and agreed to between plaintiff, UNITED STATES OF AMERICA, through its counsel of record, Daniel S. Linhardt, Assistant United States Attorney, and defendant, MICHAEL ALVARO, through his counsel of record, Joseph J. Wiseman, that the hearing scheduled for October 3, 2005, at 9:30 a.m., be rescheduled to October 17, 2005, at 9:30 a.m. The parties are requesting this continuance to provide defense counsel with additional time to discuss with defendant the plea agreement the government has proffered in the case.

The parties further stipulate and agree that time from the date of this Order through the date of the hearing set for October 17, 2005 be excluded from the speedy trial

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1 calculation pursuant to 18 U.S.C. §§ 3161(h)(8)(B)(iv) (reasonable time to prepare) and Local  
2 Rule T4.

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4 Dated: September 29, 2005

Respectfully submitted,  
JOSEPH J. WISEMAN, P.C.

6  
7 By: /s/ Joseph J. Wiseman

8 JOSEPH J. WISEMAN  
9 Attorney for Defendant  
10 MICHAEL ALVARO

11 Dated: September 29, 2005

McGREGOR W. SCOTT  
United States Attorney

13  
14 By: /s/ Daniel S. Linhardt

15 DANIEL S. LINHARDT, AUSA  
16 Attorney for Plaintiff  
17 UNITED STATES OF AMERICA

18  
19 **ORDER**

20 GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED THAT the  
21 hearing in the above-captioned case be continued to October 17, 2005 at 9:30 a.m.

22 IT IS FURTHER ORDERED THAT the time from the date of this Order to October 17, 2005 be  
23 excluded pursuant to 18 U.S.C. §§ 3161(h)(8)(B)(iv) (reasonable time to prepare) and Local Rule  
24 T4.

25 Dated: September 29, 2005

/s/ Frank C. Damrell Jr.

26 FRANK C. DAMRELL  
27 UNITED STATES DISTRICT JUDGE  
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